

EXHIBIT

5

DATE

2/7/13

HB

Title IV-E Direct

Funding

**IS THE OPPORTUNITY FOR THE TRIBE TO
RECEIVE DIRECT FEDERAL
REIMBURSEMENT FOR:**

IV-E CHILD WELFARE OPERATIONS

FOSTER CARE MAINTENANCE PAYMENTS

ADOPTION ASSISTANCE

KINSHIP/GUARDIANSHIP ASSISTANCE

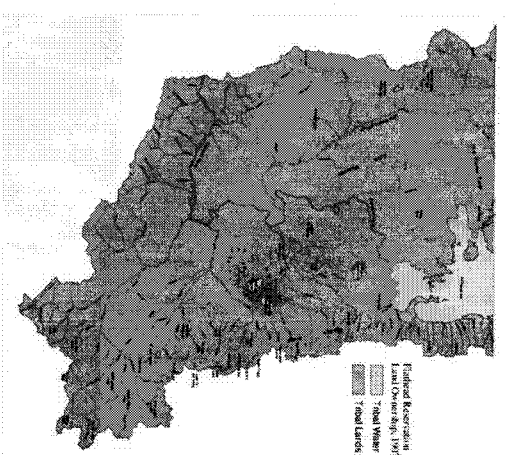
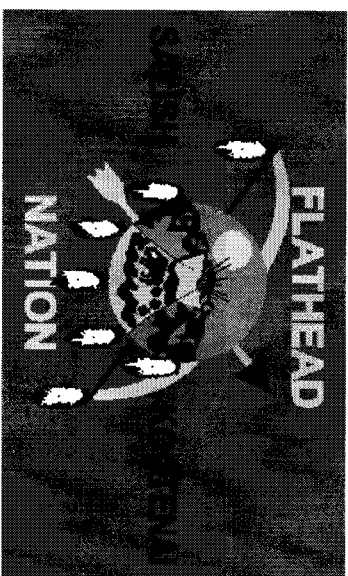
BACKGROUND

Currently, CSKT receives IV-E monies through the state of Montana per a State/Tribe agreement (which has been in effect since 2010). The following “new law” would allow CSKT Social Services Department to apply for Direct IV-E funding, which will give us greater flexibility and potential for increased funding. In addition, the State of Montana is willing to negotiate continuing the match for Maintenance and Administrative Costs.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), allows Indian Tribes, Tribal organizations, and Tribal consortia to directly receive title IV-E funds to operate foster care, adoption assistance, and at Tribal option, kinship guardianship assistance program under title IV-E of the Social Security Act (SSA).



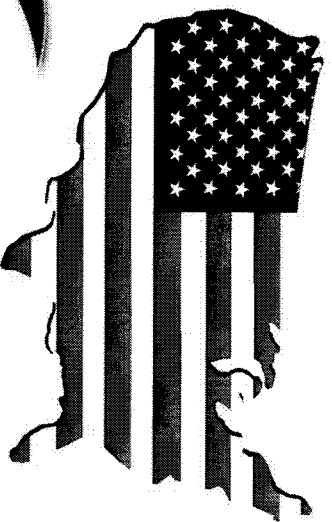
WHAT DOES THIS MEAN?



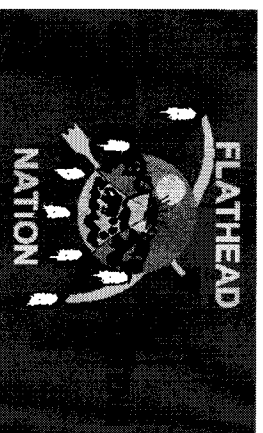
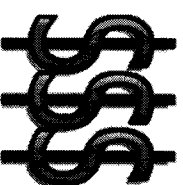
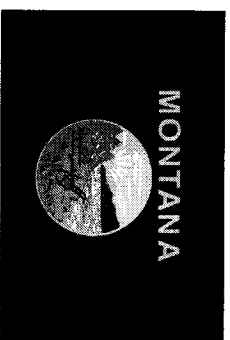
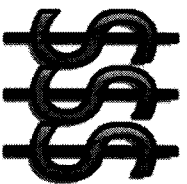
We have an opportunity to customize our practice manual with consideration of the needs & circumstances of the people of the Confederated Salish, Pend d'Oreille and Kootenai Tribes!

The tribal social service practice manual guides the delivery of social services and child welfare services by the CSKT Tribal Social Services Department.

**CURRENT
STATE
AGREEMENT**



**TITLE IV-E
DIRECT
FUNDING**

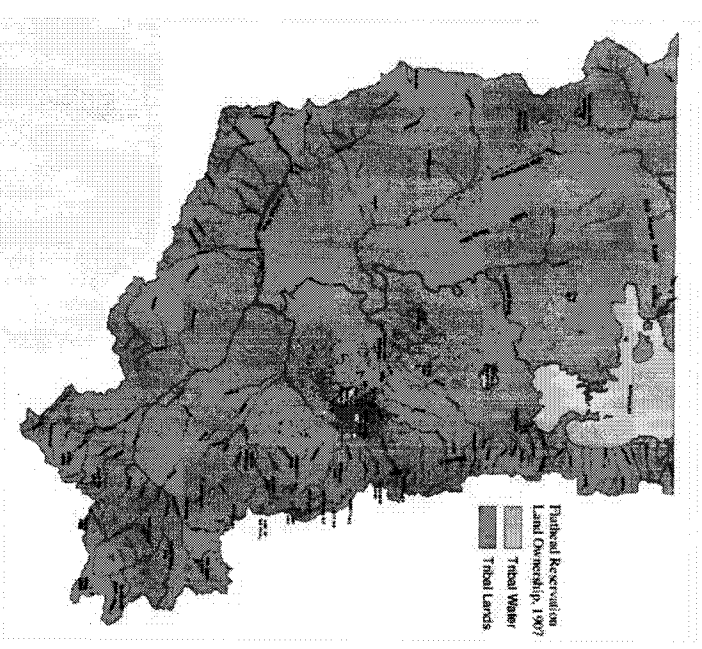


WHAT IS DIFFERENT FOR THE TRIBES?

The law and proposed regulations apply in the same manner to State and Tribal Title IV-E agencies with limited exceptions specified in the law.

Tribal Title IV-E agencies:

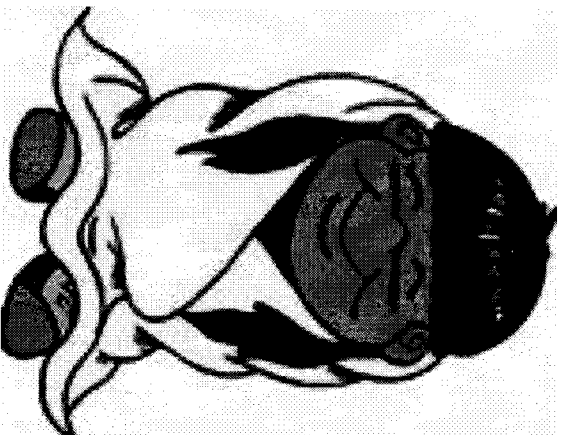
- May define their own service areas and populations
- May apply Tribal licensing standards to homes both on and near an Indian reservation
- Utilize Tribal and Indian preference when hiring social worker staff for our tribally operated program(s)
- ICWA (Indian Child Welfare Act)



TITLE IV-E CANDIDACY FOR FOSTER CARE

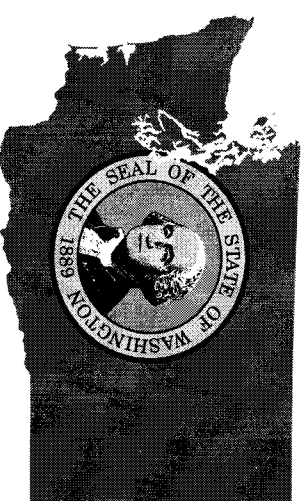
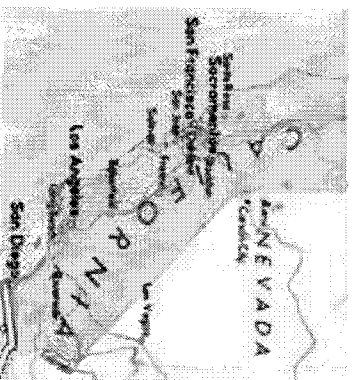
program includes prevention and intervention services. The State of Montana opted out of the Candidacy for

Foster Care Program so we cannot claim these services under the current IV-E State/Tribe agreement.



With Direct IV-E funding, CSKT can claim the administrative costs covering the case management activity associated with children/youth “at risk” for “out-of-home” placement.

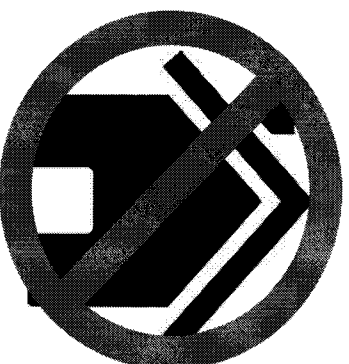
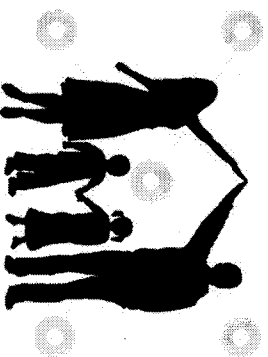
Residency Eligibility Requirement: Is determined by 1996 Residency Standards for the State of Montana - Currently in out of state ICWA cases, the parents must be a Montana resident for 6 months prior to becoming eligible for [IV-E] benefits.



TITLE IV-E DIRECT

The residency requirement can be waived, & CSKT TSSD could begin to claim IV-E for Indian Child Welfare Act (ICWA) cases being transferred from another state court jurisdiction. This can reduce the disproportionality of tribal children in state care, thus, this will allow CSKT to “bring our children home!”

**FOSTER PARENT LICENSING –
THE STATE HAS STRINGENT LICENSING
REQUIREMENTS, WHICH MAY DISQUALIFY SOME
FAMILIES FROM BEING CONSIDERED FOR
RELATIVE PLACEMENT AND RECEIVING FOSTER
CARE SUBSIDY.**



Adam Walsh Child Protection & Safety Act P.L. 109-246: All prospective foster & adoptive parents approved after October 1, 2006 must have a national fingerprint based criminal records check. Results must be received prior to being fully licensed or approving a family regardless of whether Title IV-E maintenance or adoption assistance payments are to be made on behalf of a child. *Background checks cannot be waived, however...*

TITLE IV-E DIRECT

OUR TRIBE MAY WAIVE NON-SAFETY LICENSING STANDARDS FOR RELATIVE CARE PROVIDERS PERTAINING TO KINSHIP PLACEMENTS:

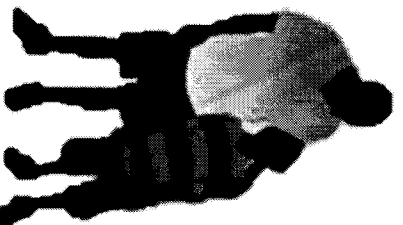
Such As...

- Number of children in a total household, considered on a “case-by-case” basis
- Income requirements
- Foster parent training requirement for kinship care
- Sleeping arrangements or space requirements of the home
- Definition of relative & background check of Tribal Elders

Reference Practice Manual pg. 142 paragraph 4

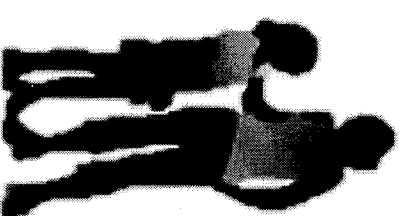
THE ADVANTAGES

- Timely placement of children with relatives & reduced trauma
- Ability to keep siblings together & improved child well-being.
- Placement stability & improved permanency.
- Relatives can apply for TANF until IV-E eligibility is determined.

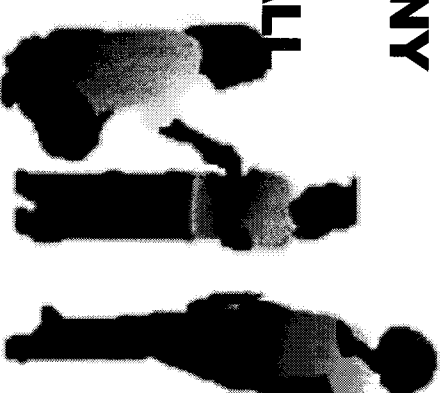


VISITATION

IF THE BIOLOGICAL PARENTS/GUARDIAN(S) ARE IN COMPLIANCE WITH THEIR CASE PLAN, VISITATION WILL BE UNSUPERVISED AS ARRANGED BY THE SOCIAL WORKER AND PER THERAPEUTIC ASSESSMENT AND RECOMMENDATIONS;



IF THE PARENTS ARE NOT IN COMPLIANCE, VISITATIONS WILL BE SUPERVISED (PROVIDED THE PARENTS ARE NOT UNDER THE INFLUENCE OF ANY INTOXICATING SUBSTANCES AT TIME OF VISIT). SUCH VISITS WILL TAKE INTO CONSIDERATION ALL INVOLVED THERAPIST ASSESSMENTS AND/OR RECOMMENDATIONS.



Reference Practice Manual Sec. 34 (p. 153, #4)

TRIBAL COURT ORDERS — IN THE YEARS PAST, IF THE CORRECT IV-E LANGUAGE WAS NOT INCLUDED IN THE FIRST COURT ORDER AFTER A CHILD'S REMOVAL, IV-E FUNDING WAS DENIED.

Such as, "...continuation in the home would be contrary to the welfare of the child."

Currently Tribal Court personnel have been trained in this language !

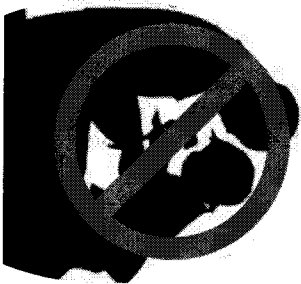
Title IV-E Direct

For the first 12 months the tribal agency's Title IV-E plan is in effect, it may use affidavits or "Nunc pro Tunc" (Now for Then) orders as documentation that a judicial determination was made regarding reasonable efforts and/or "contrary to the welfare of the child findings".

(Reference practice manual pg. 105, pg. 112 & pg. 113)



ADOPTIONS—THE STATE REQUIRES A TERMINATION OF PARENTAL RIGHTS (TPR) TO SECURE AN ADOPTION. ADOPTION ASSISTANCE IS A MORE SOLID FUNDING SOURCE THAN GUARDIANSHIP SUBSIDY, OR BUREAU OF INDIAN AFFAIRS CHILD WELFARE DOLLARS.



Title IV-E Direct Funding



Our tribe has the opportunity to develop and implement Customary/Traditional Adoptions into our Practice and Tribal Children's Code, which will not include a termination of parental rights; rather a suspension of parental rights. Our Salish, Pend d'Oreille and Kootenai elders are in support of this endeavor, and it is in the draft TSSD practice manual.

Reference Practice Manual pg. 134 & pg. 168

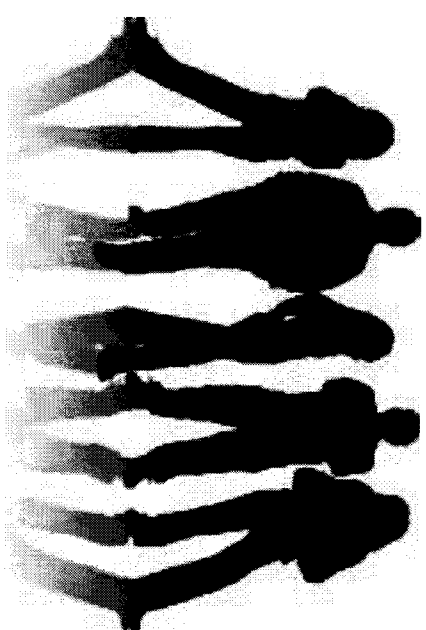
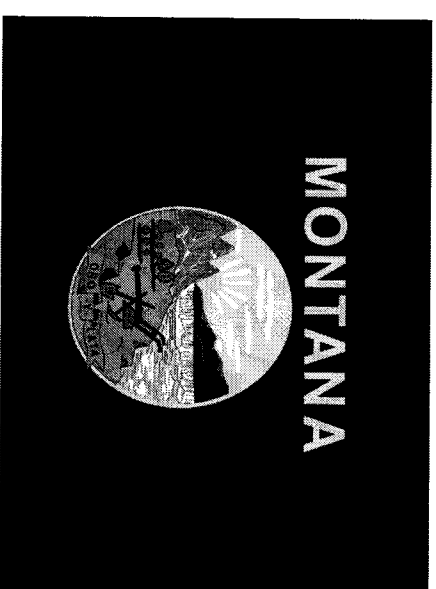
Tribal Children's Code 3-2-101 pg. 16 & 3-2-904 pg. 14

STATE/TRIBE IV-E AGREEMENT

CHAFEE INDEPENDENT LIVING FUNDING—

“COVERS OUR YOUTH, AGES (16-21) WHO HAVE AGED OUT OR WILL AGE OUT OF THE FOSTER CARE SYSTEM, OR ACHIEVED PERMANENCY THROUGH ADOPTION OR GUARDIANSHIP AFTER AGE 16. THIS COVERS YOUTH THAT HISTORICALLY HAVE FALLEN THROUGH THE CRACKS.”

**Under Direct Title IV-E funding,
CSKT will continue this invaluable
resource for our youth, and may
gain greater flexibility with direct
funding.**



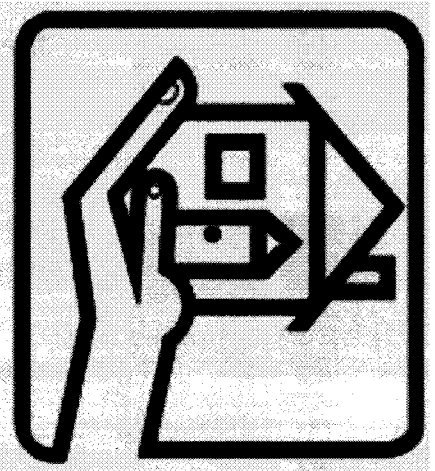
Chafee funds can support activities and programs that help with :



Employment



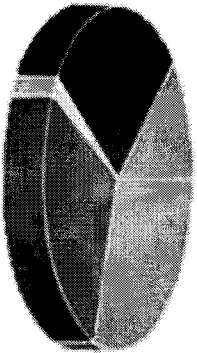
Financial Management



Housing



Colleges



COST ALLOCATION

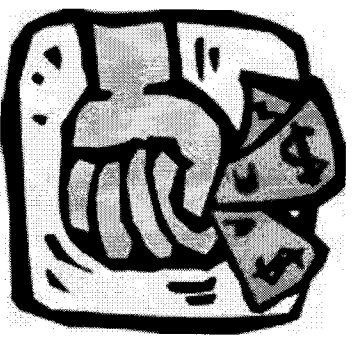


COST ALLOCATION IS A SYSTEM FOR IDENTIFYING, MEASURING, AND APPORTIONING ALL ADMINISTRATIVE COSTS SO THAT THEY MAY ULTIMATELY BE ASSOCIATED AND CLAIMED FOR REIMBURSEMENT THROUGH SPECIFIC BENEFITING PROGRAMS.

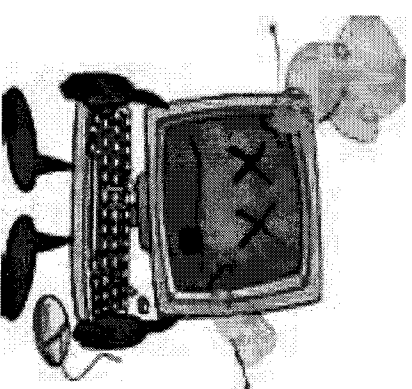
OUR TRIBE WILL NEED TO HAVE A CLEARLY DEFINED PLAN FOR THE FUNDING SOURCE(S) IT WILL USE TO COVER THE COST SHARING OR MATCHING REQUIREMENT FOR EACH TYPE OF EXPENDITURE. WE WILL NEED TO CONSIDER:

- **STATE MATCHING FUNDS: STATES ARE REQUIRED TO NEGOTIATE WITH TRIBES IN "GOOD FAITH"**
- **MAINTENANCE PAYMENTS: FEDERAL SHARE IS 83% AND THE STATE CURRENTLY PAYS 17%**
- **IN-KIND CONTRIBUTIONS THAT QUALIFY: COLLEGES, BIA SOCIAL SERVICE FUNDS, LOCAL COMMUNITY AGENCIES**

DATA MANAGEMENT AND COST EFFECTIVENESS—
CURRENTLY THE SYSTEM USED TO MANAGE THE DATA
IS THE STATE CAPS SYSTEM. THIS SYSTEM IS
ANTIQUATED AND IS NOT USER FRIENDLY.



If our Tribe continued
under this system
it is estimated to cost:
**\$260,000 initially &
\$160,000 annually**

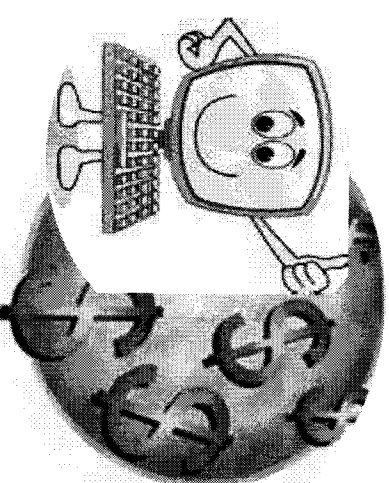


**Tribal Title IV-E Agencies will be required to
begin collecting and transmitting data only
after the Tribe's Title IV-E plan is approved
and operating for one year.**

TITLE IV-E DIRECT FUNDING

**DEVELOPMENT OF A NEW DATA SYSTEM WOULD
REALISTICALLY COST FROM \$30K - \$50K.**

50% OF THOSE COSTS WILL BE COVERED
UNDER IV-E FOR COMPUTER SYSTEM DATA
DEVELOPMENT



- There would be no maintenance cost through the Tribal IT Department.
- *The system could be flexible (modified as needed), and user friendly.*
- *The Tribe could include ICWA statistics, as well as APS (Adult Protection Services) information.*
- *Historical data could also be captured under this system.*

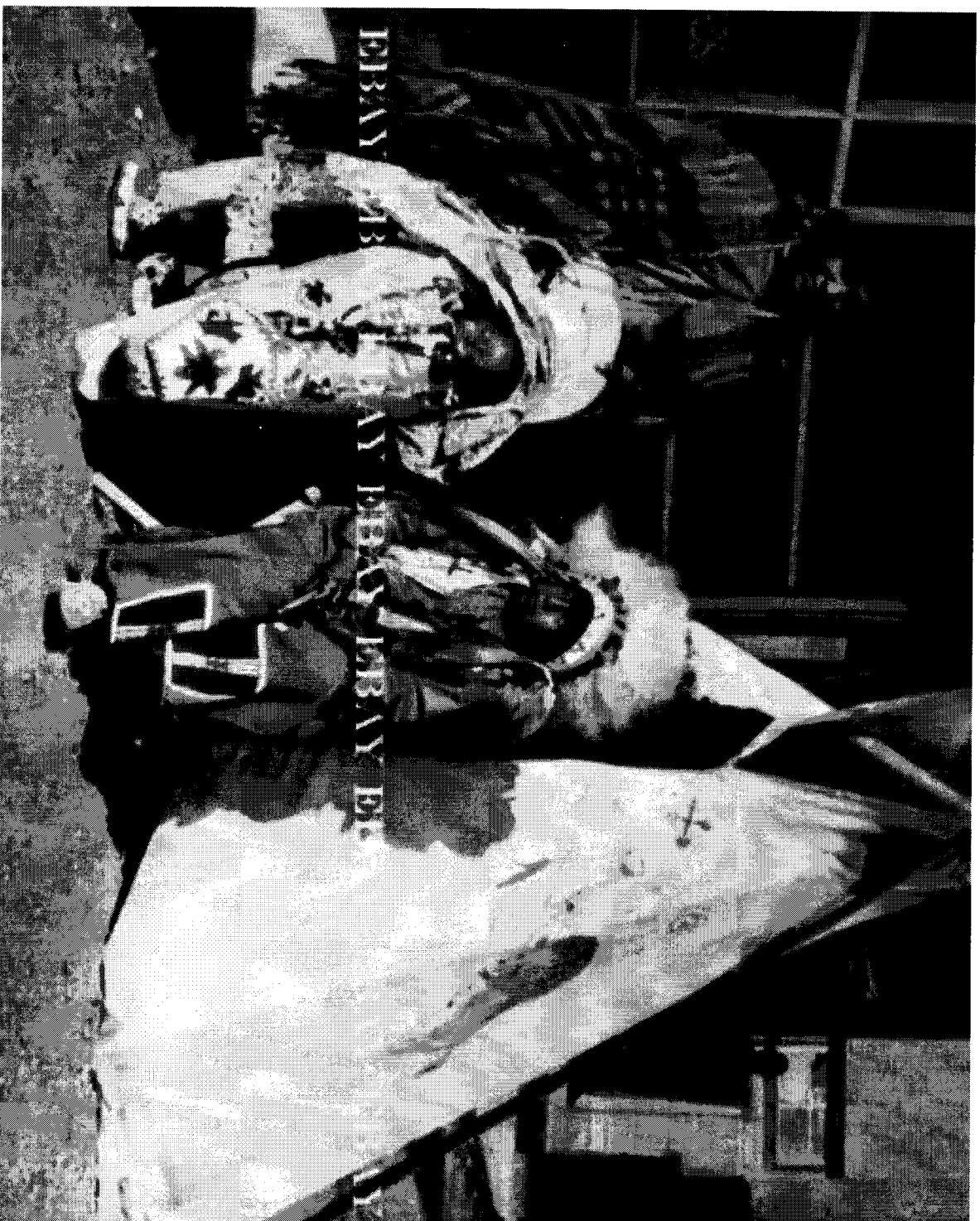
Other Direct IV-E Advantages

**Our Tribe will be in a better position to exercise our
sovereignty and be an effective resource to our
children and families**



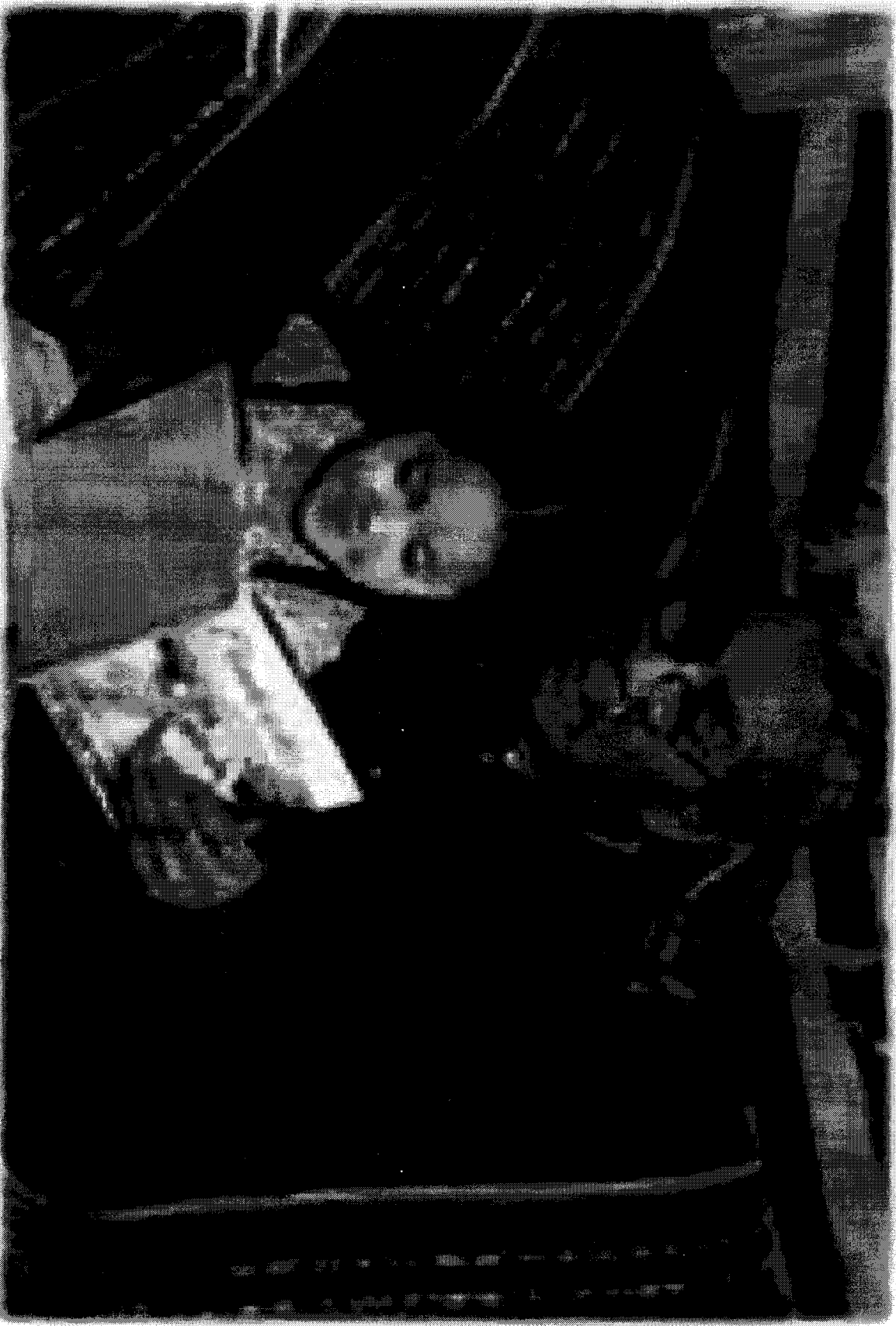
**It will enhance opportunities for relative
involvement.**





***It will enhance implementation of
The Indian Child Welfare Act (ICWA)***

· This program focuses on efforts to coordinate and enhance services for relative/family caregivers.



**CARING IS NOT ENOUGH TO PROTECT PROGRAMS
FROM POORLY DEVELOPED SERVICES, AND WE
CAN DEVELOP ONE THAT IS CULTURALLY
SENSITIVE.
(DR. BROWN)**



DIRECT IV-E IS A "LIVING" PLAN THAT CAN BE
AMENDED, AS NEEDED, AND AS REQUIRED, BY
FEDERAL AND TRIBAL LAW.

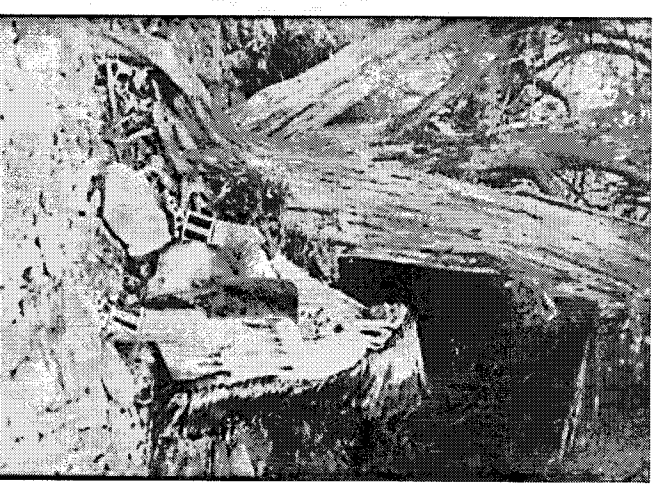


We can help our children become healthy



THE EXERCISE OF TRIBAL SOVEREIGNTY MEANS BEING ABLE TO ACTIVELY AND CONSCIOUSLY PARTICIPATE IN THE CREATION OF OUR OWN FUTURE. IF OUR FUTURE IS DECIDED BY OTHERS WE ARE REALLY NOT SOVEREIGN. THERE IS A DIRECT RELATIONSHIP BETWEEN SOVEREIGNTY AND OUR WILLINGNESS TO DETERMINE WHAT OUR FUTURE WILL BE.” –

EDDIE F. BROWN, DSW



Our Mission is to protect and provide our tribal children a safe environment with cultural and family connections...

**WHAT KIND OF FEEDBACK DO I
NEED TO BE SHARING?
WHY SHOULD I GIVE FEEDBACK
HOW DOES IT HELP?**



PREPARED BY:

**CONSTANCE A. MORIGEAU, MSW, ACSW
TSSD DEPARTMENT HEAD
406-675-2700 EXT. 1159**

**BEVERLY SWANEY, MSW
IV-E DIRECT FUNDING COORDINATOR
EXT. 1237**

**CRYSTAL MATT, BA
IV-E DIRECT FUNDING ADMINISTRATIVE
ASSISTANT
EXT. 1345**